

Employee Housing Regulations

Article 7. Actions and Proceedings

§ 920. Actions and Proceedings

(a) Actions and proceedings of this subchapter shall be in accordance with Chapters 5 and 6 (commencing with Section 17050) of the Health and Safety Code.

(b) The enforcement agency may revoke without additional hearing the permit to operate or exemption of a labor camp whenever any judgment is rendered against the operator thereof concerning the operation of the labor camp.

(c) The enforcement agency may revoke without additional hearing the exemption of employee community housing whenever any judgment is rendered against the owner or operator thereof for not maintaining or operating such employee community housing in substantial compliance with relevant portions of these regulations.

Note: Authority cited: Sections 17003.5, 17040 and 17050, Health and Safety Code. Reference: Sections 17040, 17051, 17060.5 and 17061, Health and Safety Code.

§ 922. Permit or Exemption Suspension

If any labor camp or employee community housing is not in substantial compliance with relevant use, occupancy, or maintenance provisions of the Employee Housing Act, this subchapter, or the conditions of the permit to operate, or exemption, the permit to operate or exemption may be suspended by the enforcement agency pursuant to the procedures in this article.

Note: Authority cited: Sections 17003.5 and 17036, Health and Safety Code. Reference: Section 17036, Health and Safety Code.

§ 923. Authority to Serve Notices

Authority to serve notices required by this subchapter is provided in Section 17051 of the Health and Safety Code.

Note: Authority cited: Sections 17003.5, 17036, 17040 and 17050, Health and Safety Code. Reference: Section 17051, Health and Safety Code.

§ 924. Notice

The enforcement agency shall issue and serve upon the permittee or exemptee a notice setting forth in what respects the provisions of the Health and Safety Code, this subchapter or the conditions of the permit to operate or exemption have been violated, and shall notify him that unless these provisions have been complied with within five days, or within such longer period of time, not to exceed 30 days, which may be allowed by the enforcement agency from the date of notice, the permit to operate or exemption shall be suspended.

Note: Authority cited: Sections 17003.5 and 17036, Health and Safety Code. Reference: Sections 17036, 17051 and 17060, Health and Safety Code.

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§ 926. Service

The notice shall be served by posting at least one copy in a conspicuous place on the premises described in said permit or exemption, and by sending another copy by certified mail, postage prepaid, return receipt requested, to the person to whom the permit or exemption was issued at the permittee's or exemptee's address of record, or as otherwise designated on the permit or exemption. The notice may also be served by personal service at the discretion of the enforcement agency.

Note: Authority cited: Sections 17003.5 and 17036, Health and Safety Code. Reference: Sections 17036 and 17051, Health and Safety Code.

§ 928. Appeal

Any permittee or exemptee receiving a notice of suspension or revocation may request a hearing on the matter. The permittee or exemptee shall file a written petition with the enforcement agency within 10 days of the posting or service of such notice requesting such hearing and setting forth a brief statement of the grounds therefor.

Note: Authority cited: Sections 17003.5 and 17036, Health and Safety Code. Reference: Sections 17036 and 17051, Health and Safety Code.

§ 930. Hearing

(a) Upon receipt of such petition, the enforcement agency within 10 days shall set a time and place for such hearing and shall give the petitioner a written notice thereof. The hearing shall be no less than 10 days or more than 20 days from service of this notice. At such hearing the petitioner shall be given the opportunity to show cause, if any, why the permit to operate or exemption should not be suspended or revoked.

(b) After such hearing the enforcement agency shall sustain, modify or withdraw the notice, depending upon its findings as to whether the applicable provisions of the Health and Safety Code and these regulations have been complied with. The enforcement agency shall keep a complete and exact record of all such hearings and shall furnish a copy thereof to the Department of Housing and Community Development.

(c) If the requirements of the notice have not been complied with on or before the expiration of the time permitted or allowed by the enforcement agency after posting or service of the notice, or a decision adverse to the operator has been issued as a result of the hearing, the enforcement agency shall suspend or revoke, as appropriate, the permit or exemption, or may extend the time allowed for compliance not to exceed an additional 30 days.

Note: Authority cited: Sections 17003.5, 17036 and 17050, Health and Safety Code. Reference: Sections 17036, 17050 and 17051, Health and Safety Code.

§ 932. Reinstatement

(a) Prior to obtaining a new permit to operate or exemption, any person whose permit to operate or exemption has been suspended or revoked shall comply with all of the requirements of this subchapter.

(b) Any person operating a labor camp or employee community housing without a permit or exemption after suspension or revocation of the permit to operate or exemption shall be subject to prosecution for violation of Chapter 1, Part 1, Division 13 of the Health and Safety Code.

Note: Authority cited: Sections 17003.5 and 17036, Health and Safety Code. Reference: Section 17036, Health and Safety Code.